

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROY RENNA,

Plaintiff,

- against -

THE NEW YORK OBSERVER, LLC

Defendant.

Docket No. \_\_\_\_\_

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Roy Renna (“Renna” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant The New York Observer, LLC (“Observer” or “Defendant”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of 40,000 bees in a home in Queens, New York, owned and registered by Renna, a New York City based photojournalist. Accordingly, Renna seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or are doing business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

## **PARTIES**

5. Renna is a professional photojournalist in the business of licensing his photographs to online, print, and television stations for a fee, having a usual place of business at 69-04 58<sup>th</sup> Road, Maspeth, New York 11378. Renna's photographs have appeared in many publications around the United States.

6. Upon information and belief, Observer is a corporation duly organized and existing under the laws of the State of New York, with a place of business at 1 Whitehall Street, Floor 7, New York, New York 10004. At all times material hereto, Observer has owned and operated a website at the URL: [www.observer.com](http://www.observer.com) (the "Website").

## **STATEMENT OF FACTS**

### **A. Background and Plaintiff's Ownership of the Photograph**

7. Renna photographed 40,000 Bees in Queens (the "Photograph"). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Renna is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

9. The Photograph has a pending United States Copyright Registration Number of 1-4380013501.

10. The copyright fee has been paid and the work has been deposited with the Copyright Office.

### **B. Defendant's Infringing Activities**

11. Upon information and belief, Observer ran an article on the Website entitled *Afternoon Bulletin: Former Bee Detective Finds 40,000 Bees in Queens Home*. See <http://observer.com/2015/05/afternoon-bulletin-former-bee-detective-finds-40000-bees-in->

queens-home/. The article prominently featured the Photograph. A true and correct copy of the article is attached hereto as Exhibit B.

12. Observer did not license the Photograph from Plaintiff for its article, nor did Observer have Plaintiff's permission or consent to publish the Photograph on its Website.

**FIRST CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST OBSERVER)**  
**(17 U.S.C. §§ 106, 501)**

13. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12 above.

14. Observer infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. Observer is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

15. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16. Upon information and belief, the foregoing acts of infringement by Observer have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

17. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

18. Defendant's conduct, described above, is causing, and unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated by or measured in money damages. Plaintiff has no adequate remedy at law.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Observer be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph.
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded pre-judgment interest; and
5. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York  
January 31, 2017

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz  
Richard P. Liebowitz  
11 Sunrise Plaza, Suite 305  
Valley Stream, NY 11580  
Tel: (516) 233-1660  
RL@LiebowitzLawFirm.com

*Attorneys for Plaintiff Roy Renna*